

REMARKS

Claims 1-7 and 9-21 are pending in the present application. Claims 1-7 and 10 have been amended. Claims 11-21 have been presented herewith. Claim 8 has been canceled.

Priority Under 35 U.S.C. 119

Applicant notes the Examiner's acknowledgment of the Claim for Priority under 35 U.S.C. 119, and receipt of the certified copy of the priority document.

Claim Rejections-35 U.S.C. 102

Claims 1, 3-7, 9 and 10 have been rejected under 35 U.S.C. 102(b) as being anticipated by the Arase reference (Japanese Patent Publication No. 4-69939).

Claim Rejections-35 U.S.C. 103

Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the Arase reference in view of the Williams reference (U.S. Patent No. 5,998,837).

Allowable Subject Matter

Applicant respectfully notes the Examiner's acknowledgment that claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Although Applicant does not necessarily concede that

the above noted rejections are proper, claim 1 has been amended to include the features of dependent claim 8, in view of the Examiner's acknowledgment of allowable subject matter. Accordingly, the Examiner is respectfully requested to acknowledge that claims 1-7, 9 and 10 are allowed.

Claims 11-21

The semiconductor device of claim 11 includes in combination a silicon substrate; an impurity region; a first insulating film "formed on the silicon substrate, the first insulating film including a first opening over the upper surface of the impurity region;" a polysilicon plug "of a second conductivity type formed in the first opening in contact with the impurity region and on an upper surface of the first insulating film"; a second insulating film "formed on the polysilicon plug and on the upper surface of the first insulating film, the second insulating film having a second opening over the polysilicon plug"; and a conductive wiring layer "formed in the second opening in contact with the polysilicon plug and on an upper surface of the second insulating film".

Fig. 1 of the Arase reference as relied upon by the Examiner does not include a polysilicon plug of a second conductivity type formed in a first opening of a first insulating film and on an upper surface of the first insulating film, does not disclose a second insulating film formed on a polysilicon plug and on an upper surface of a first insulating film, and does not disclose a conductive wiring layer formed in a second opening of a second insulating film and on an upper surface of the second insulating

film, as would be necessary to meet the features of claim 11. The Williams reference as secondarily relied upon by the Examiner also fails to disclose these features. Applicant therefore respectfully submits that the semiconductor device of claim 11 distinguishes over and would not have been obvious in view of the prior art as relied upon by the Examiner taken singularly or together, and that the above noted rejections, insofar as they may pertain to claims 11-16, are improper for at least these reasons.

Applicant also respectfully submits that the semiconductor device of claim 17 distinguishes over and would not have been obvious in view of the Arase reference taken alone or together with the Williams reference, for at least somewhat similar reasons as set forth above. Particularly, the prior art as relied upon by the Examiner does not disclose a second insulating film formed on an upper surface of a first insulating film, and a conductive wiring layer formed in a second opening in the second insulating film and on an upper surface of the second insulating film, as would be necessary to meet the features of claim 17. Applicant therefore respectfully submits that the above noted rejections, insofar as they may pertain to claims 17-21, are improper for at least the above reasons.

Conclusion

Applicant respectfully submits that since claim 1 has been amended merely to include the features of dependent claim 8 directly responsive to the Examiner's acknowledgment of allowable subject matter, and is thus of the same scope as original

claim 8, the claim amendments should not be construed as narrowing scope within the meaning of *Festo*.

The Examiner is respectfully requested to reconsider and withdraw the corresponding rejections, and to pass the claims of the present application to issue, for at least the above reasons.

In the event that there are any outstanding matters remaining in the present application, please contact Andrew J. Telesz, Jr. (Reg. No. 33,581) at (571) 283-0720 in the Washington, D.C. area, to discuss these matters.

Pursuant to the provisions of 37 C.F.R. 1.17 and 1.136(a), the Applicant hereby petitions for an extension of two (2) months to February 8, 2005, for the period in which to file a response to the outstanding Office Action. The required fee of \$450.00 should be charged to Deposit Account No. 50-0238.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment for any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0238.

Respectfully submitted,

VOLENTINE FRANCOS & WHITT, P.L.L.C.

A handwritten signature in black ink, appearing to read 'Andrew J. Telesz, Jr.', written over a horizontal line.

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